

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION BY )  
FOWLER RIDGE WIND FARM, LLC FOR ) CAUSE NO. 43338  
CERTAIN DETERMINATIONS BY THE )  
COMMISSION WITH RESPECT TO ITS ) PREHEARING CONFERENCE ORDER  
JURISDICTION OVER PETITIONER'S )  
ACTIVITIES AS A GENERATOR OF ) APPROVED: SEP 19 2007  
ELECTRIC POWER )

BY THE COMMISSION:

Gregory D. Server, Commissioner

Loraine L. Seyfried, Administrative Law Judge

On August 24, 2007, Fowler Ridge Wind Farm, LLC ("Petitioner") filed its Petition and Request for Expedited Treatment with the Indiana Utility Regulatory Commission ("Commission") in this matter.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 11:00 a.m. on September 13, 2007. Proofs of publication of the notice of the Prehearing Conference have been incorporated into the record and placed in the official files of the Commission. The Petitioner and the Indiana Office of Utility Consumer Counselor ("Public") appeared and participated at the Prehearing Conference. No members of the general public appeared.

Prior to the opening of the record and with the consent of all parties in attendance, an informal discussion was held regarding procedural and scheduling matters in this Cause. The agreement of the parties was then read into the record. Based upon the agreement of the parties, the Commission now enters the following Findings and Order which should become a part of the record in this proceeding:

1. Petitioner's Prefiling Date. The Petitioner prefiled with the Commission its prepared testimony and exhibits constituting its case-in-chief on September 11, 2007. Copies of same were served on all parties of record.

2. Public's and Intervenors' Prefiling Date. The Public and all Intervenors should prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before October 11, 2007. Copies of same should be served upon all parties of record.

3. Petitioner's Rebuttal Prefiling. The Petitioner should prefile with the Commission its prepared rebuttal testimony on or before October 15, 2007. Copies of same should be served upon all parties of record.

4. **Evidentiary Hearing on the Parties' Cases-In-Chief.** The cases-in-chief of the Petitioner, Public and any Intervenors should be presented in an evidentiary hearing to commence at 9:30 a.m. on October 22, 2007 in Room 224 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Petitioner should present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of the Public's or Intervenors' witnesses. **If the parties reach settlement, the agreement should be submitted to the Commission at least five (5) business days prior to the Evidentiary Hearing.**

5. **Sworn Testimony.** Any witness testimony to be offered into the record of this proceeding should be made under oath or affirmation. In accordance with 170 IAC 1-1.1-18(h), if the prefiled testimony of a witness is to be offered into evidence at the Evidentiary Hearing, and the witness sponsoring the prefiled testimony is not required to, and does not, attend the Evidentiary Hearing, the prefiled testimony should be accompanied by the witness's sworn affidavit or written verification at the time the evidence is offered into the record.

6. **Discovery.** Discovery is available for all parties and should be conducted on an informal basis. Any response or objection to a discovery request should be made within five (5) calendar days of the receipt of such request. After the filing of Petitioner's rebuttal, any response or objection to a discovery request should be made with three (3) business days of the receipt of such request. Any objection not made in accordance with this paragraph shall be deemed to have been waived.

7. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should file copies of the work papers used to produce that evidence within two (2) business days after the prefiling of such technical evidence. Copies of workpapers should also be served on the other parties to this Cause. When submitting workpapers to the Commission, two (2) copies of each document should be filed with the Secretary of the Commission.

8. **Number of Copies/Corrections.** With the exception of work papers, the parties should file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony should be made in writing as soon as possible after discovery of the need to make such corrections. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that duplicate copies use both sides of the paper.

9. **Intervenors.** Any party permitted to become an Intervenor in this Cause should be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.

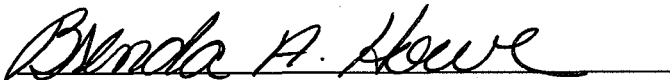
**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. The determinations of the Prehearing Conference set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.
2. This Order shall be effective on and after the date of its approval.

**HARDY, GOLC, LANDIS, SERVER, AND ZIEGNER CONCUR:**

**APPROVED: SEP 19 2007**

**I hereby certify that the above is a true  
and correct copy of the Order as approved.**

A handwritten signature in cursive script, reading "Brenda A. Howe", is written over a horizontal line.

**Brenda A. Howe**

**Secretary to the Commission**